

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

2014 FEB -5 AM 9:06

CLERK-LAS CRUCES

United States of America

v.

Horacio GARCIA Dominguez
Jorge CARDOZA

Case No.

14-341 mJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 03, 2014 in the county of Luna in the
State and District of New Mexico, the defendant(s) violated:

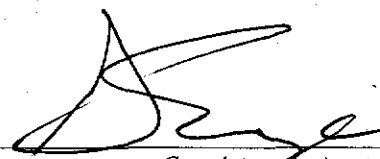
Code Section

Offense Description

18 USC § 922(g)(1)

It shall be unlawful for any person—who has been convicted in any court of, a
crime punishable by imprisonment for a term exceeding one year;
to ship or transport in interstate or foreign commerce, or possess in or
affecting commerce, any firearm or ammunition; or to receive any firearm or
ammunition which has been shipped or transported in interstate or foreign
commerce.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

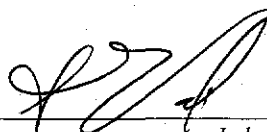
Complainant's signature

Eugene E. Emge, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/5/14

Judge's signature

City and state:

Las Cruces, NM

Stephan M. Vidmar

United States Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

United States of America

VS

Horacio GARCIA-Dominguez
Jorge CARDOZA

Affidavit of Eugene E. Emge

On February 3, 2014, Officers from the Deming Police Department (DPD) attempted to make a vehicle stop on a Dark Blue Ford Expedition bearing NM license plate KDG993. Officers attempted to stop the vehicle because the registration sticker on the plate was not visible.

Immediately after the DPD Officer activated his emergency equipment the vehicle sped off in an attempt to evade the officer. The vehicle pursuit began near the intersection of E. Elm St and S. San Miguel St and continued east on E. Elm to S. Santa Barbra St where the vehicle turned south on S. Santa Barbra. The vehicle then turned east on E. Birch St and stopped in the front yard of 1001 E. Birch St at which point the driver of the vehicle, identified as Horacio GARCIA-Dominguez, exited the vehicle and ran north toward E. Elm, jumping over two residential fences. GARCIA-Dominguez was apprehended a few minutes later in a residential property at the corner of S. Santa Barbra St and E. Elm St. GARCIA-Dominguez was found to have a glass pipe commonly used for ingesting illegal narcotics, in his front pocket.

HSI Special Agents (SAs) were at the scene of the vehicle within a minute of the vehicle coming to a stop and observed the rear driver side passenger, identified as Jorge CARDOZA, standing next to the open rear passenger driver side door holding a rifle. The rifle was later identified as a Remington .22 long rifle caliber rifle. The rifle was found to contain ten live rounds of ammunition, one of which was in the chamber ready to fire.

A search incident to arrest, of the vehicle, was conducted for drugs, paraphernalia, and weapons. HSI SAs located a Tressitu 9mm pistol under the back of the front passenger seat, easily accessible by the rear passenger or driver of the vehicle.

Record Checks regarding GARCIA-Dominguez' Criminal History, Immigration History and active Wants and Warrants were run which revealed the following;

GARCIA-Dominguez was arrested on September 23, 2010 by the Deming, New Mexico Police Department for a Weapon Offense. Bureau of Alcohol Tobacco and Firearms and Explosives adopted the case from Deming Police Department and prosecuted GARCIA-Dominguez federally; who was subsequently sentenced on March 23, 2011 to 33 months' prison and 3 years unsupervised release.

GARCIA-Dominguez was previously ordered removed on July 18, 2013 and was removed through Nogales, Arizona.

CRIMINAL COMPLAINT - CONTINUED

United States of America

VS

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Jorge CARDOZA

Affidavit of Eugene E. Emge

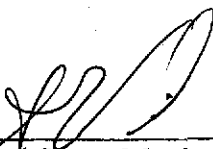
Record Checks regarding CARDOZA's Criminal History and active Wants and Warrants were run which revealed the following;

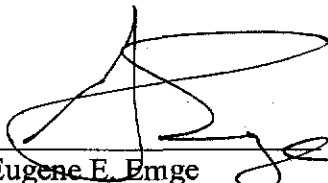
CARDOZA was arrested on September 06, 2011 at the Columbus, NM Port of Entry with 19 pounds of marijuana in his vehicle. CARDOZA was subsequently prosecuted on NM State charges for Distribution of marijuana. CARDOZA was found guilty of a felony and sentenced to 18 months prison and one year parole; sentence was suspended and placed on 18 months supervised probation.

CARDOZA was also found to have two outstanding State Magistrate warrants for failure to appear and was taken into custody by DPD.

Your affiant is aware that all Remington Firearms are manufactured at their Firearms Plant in Ilion, NY and that Tressitu was manufactured in South Africa in the 1990's and thereby the firearms in this case traveled in interstate or foreign commerce.

Assistant United States Attorney Alfred Perez was advised of the facts in the case and authorized Federal prosecution on Horacio GARCIA-Dominguez and Jorge CARDOZA for 18 USC § 922(g)(1), that being; it shall be unlawful for any person—who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.



United States Magistrate Judge
Stephan M. Vidmar

Eugene E. Emge
HSI Special Agent